IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6419 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHARMISTHABEN CHINUBHAI SHAH & 1 - Petitioner(s)
Versus
GANDHI VIDHYALAYA PRIMARY SCHOOL NO.1 & 5 - Respondent(s)

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Appearance :
MS MAMTA R VYAS for Petitioner(s) : 1 - 2.
NOTICE UNSERVED for Respondent(s) : 1,4 - 5.
MR BHARAT T RAO for Respondent(s) : 2 - 3.
MR AD OZA for Respondent(s) : 6,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/06/2007

ORAL JUDGMENT

It appears that the present petition is filed by two petitioners Sharmisthaben Chinubhai Shah and Hemlataben Manubhai Prajapati and so far as the petitioner No.2 is concerned i.e. Hemlataben Manubhai Prajapati, she has filed one page petition being Special Civil Application No.7101 of 1997. So far as present Special Civil Application filed by petitioner No.2 is concerned, the same will not survive as she has already filed independent petition. So far as the petitioner No.1 i.e. Sharmisthaben Chinubhai Shah is concerned, it is reported that during the pendency of the present Special Civil Application, she has expired and there are no heirs. Under the circumstances, the present petition does not survive so far as the petitioner No.1 is concerned. Special Civil Application No.7101 of 1997 is required to be decided on merits. Under the circumstances, present application is disposed of as having been abated so far as petitioner No.1 is concerned without prejudice to the rights and contentions of the petitioner No.2 in Special Civil Application No.7101 of 1997. Rule discharged. No costs.

Office is directed to keep the papers of Special Civil Application No.6419 of 1997 along with Special Civil Application No.7101 of 1997 as it is reported that all the pleadings are in the present petition and Special Civil

Application No.7101 of 1997 is only one page petition. Special Civil Application No.7101 of 1997 is adjourned to 27-6-2007.

(M.R. Shah, J.)

shekhar/-